

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.275 OF 1996

Kavathe Mahankal Vividh
Karyakari Sahakari Society Ltd. ...Petitioner

Versus

State of Maharashtra & Ors. ...Respondents

WITH

CONTEMPT PETITION NO.276 OF 1996

Ankush Krishna Chandanshive
& Ors. ...Petitioners

Versus

State of Maharashtra & Ors. ...Respondents

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Mr.M.L.Patil for Petitioners.

Mrs.S.S.Bhende, A.G.P. for Respondents 1 to 3 & 5.

Mr.Amit Sale for Respondent No.4.

Mr.P.G.Lad for Respondent No.7.

Mr.L.M.Acharya for Respondents 8, 9, 10, 11 & 13.

Mr.P.R.Kadam with Mr.M.M.Vaidya for Respondents
12 & 14.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 9, 2007.

P.C.

1. Heard Counsel for the parties. In these Petitions, grievance is made that the Respondents/contemnors have disobeyed the order passed by this Court on 7th March 1996 in Writ Petition No.1394 of 1996. In the said Writ Petition, the Petitioners had challenged the order dated 1st February 1996 and 7th February 1996 passed by Respondent No.5 in that Writ Petition. This Court entertained the Writ Petition at the instance of the Petitioners and passed ad-interim order in terms of prayer clause (c). Prayer clause (c) of the said Writ Petition reads thus:

"Prayer (c) : To stay execution, operation and effect during the pendency of the writ petition of the impugned orders.

(i) Order dated 1.2.96 issued by respondent no.5 herein being Exh.D hereto.

(ii) Order dated 7.2.1996 passed by respondent no.5 being Ex.E hereto."

2. After this order was passed, Shri S.B.Thorat, the Deputy Registrar has passed order on 14th August 1996 whereby directed the Sangli District Cooperative Bank to register Respondents 8

to 14 as its members. According to the Petitioners, this order passed by the then Deputy Registrar was in utter disregard of the order of injunction passed on 7th March 1996 reproduced above.

3. This is the first grievance made before this Court at the time of arguments. Insofar as this grievance is concerned, the same is wholly misplaced. This is so because from the order passed by the then Deputy Registrar dated 14th August 1996, it is amply clear that the same was required to be passed in terms of the order passed by the Division Bench of this Court on 10th April 1996 in Writ Petition No.2294 of 1996. The Division Bench of this Court had directed the Deputy Registrar to take appropriate decision and issue necessary directions on the application for membership of the Sangli District Central Cooperative Bank Ltd. expeditiously within a period of three weeks from the date of the order.

4. Thus understood, it is not possible to countenance the grievance against the Deputy

Registrar that he had acted in utter disregard of the order passed by the Single Judge of this Court dated 7th March 1996 as such. Besides, in the order dated 14th August 1996, the Deputy Registrar has adverted to the order dated 7th March 1996 as well. It is not as if he was not conscious of the said order passed by the Single Judge of this Court on 7th March 1996. Nevertheless, the order dated 14th August 1996 was passed after considering the rival submissions in terms of the direction given by the Division Bench of this Court in its subsequent order dated 10th April 1996 in Writ Petition No.2294 of 1996. In that view of the matter, it is too much to assume that the Deputy Registrar passed order on 14th August 1996 in utter defiance of the order dated 7th March 1996 as is argued before this Court.

5. Counsel for the Petitioners would then contend that the Respondents 8 to 14 were the promoter members of the concerned Societies who were directed to be enrolled as members of the Sangli District Central Cooperative Bank Ltd. in terms of the order dated 14th August 1996. They

were parties to the Writ Petition No.1394 of 1996 in which order was passed on 7th March 1996. Besides, they had filed their response before this Court in the said proceedings which presupposes that they were aware about the existence of order dated 7th March 1996. It is then contended that these Respondents ought to have disclosed the fact of pendency of the earlier Writ Petition filed by the Petitioners. Assuming that the Respondents 8 to 14 intentionally concealed the fact that pendency of earlier Writ Petition No.1394 of 1996 and the order dated 7th March 1996 in the Writ Petition filed by them being Writ Petition No.2294 of 1996, that would not make the Deputy Registrar who decided the matter on 14th August 1996 responsible in any manner, much less, to initiate contempt action against him.

6. Insofar as Respondents 8 to 14 are concerned, as no injunction order had been passed by this Court nor any assurance was given by them before this Court that they will refrain from resorting to such other proceedings. If that is so, the fact that the Respondents 8 to 14 failed to

disclose in the Writ Petition filed by them being Writ Petition No.2294 of 1996 about the pendency of Writ Petition No.1394 of 1996 or order passed thereon dated 7th March 1996, cannot be viewed as cause for civil contempt, which is the limited

jurisdiction of the Single Judge of this Court to examine the present proceedings.

7. It will be open to the Petitioners to pursue remedy against Respondents 8 to 14 for having committed criminal contempt or such other proceedings as may be advised and permissible by law.

8. In my opinion, no interference is warranted in this Petition. The same is disposed of with the above observations. Notices issued to the Contemnors stand discharged.

A.M.KHANWILKAR, J.